

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO.2005-210-E – ORDER NO. 2007-585
AUGUST 23, 2007

IN RE: Application of Duke Energy Carolinas, LLC)	ORDER GRANTING
for Authorization to Enter into a Business)	REQUEST FOR
Combination Transaction with Cinergy)	CONFIDENTIAL
Corporation.)	TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Duke Energy Carolinas, LLC (Duke Energy or the Company) for confidential treatment of certain material filed in this docket.

On August 1, 2007, Duke Energy filed with the Commission the Company's Market Monitoring reports for the periods of November 2006 through March 2007 and April 2007 through June 2007. Duke Energy requests that the reports be held confidential. Duke Energy filed the Company's reports clearly marked "confidential."

The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials

which contain references to potential customers, competitive information or evaluation.”

We find that the information contained in the Company’s November 2006 through March 2007 and April 2007 through June 2007 Market Monitoring reports for which Duke Energy seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

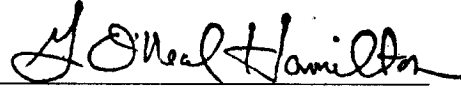
Because the Commission finds that the filing of Duke Energy contains competitively sensitive critical information and meets the definition of “trade secrets” as defined under FOIA, the Commission grants the Duke Energy’s request.

IT IS THEREFORE ORDERED THAT:


1. The request of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, Duke Energy Carolinas, LLC’s Market Monitoring reports for the periods November 2006 through March 2007 and April 2007 through June 2007 filed with the Commission shall be declared confidential and shall be maintained under seal and withheld from public disclosure

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)